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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Sean Bennett,

10 Plaintiff,

11 v.

12 City of Phoenix, et al.,

13 Defendants.  
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No. CV-23-02425-PHX-ROS (DMF)

**ORDER**

15 This matter having recently come before this Court,

16 **IT IS ORDERED** preliminary motions aimed at the pleadings are discouraged if  
17 the defect can be cured by filing an amended pleading. The parties must meet and confer  
18 prior to the filing of such a motion to determine whether it can be avoided. Thus, motions  
19 to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) and motions for judgment on the pleadings  
20 pursuant to Fed. R. Civ. P. 12(c) must contain a certification of conferral indicating the  
21 parties have conferred to determine whether an amendment could cure the deficient  
22 pleading but have been unable to agree the pleading is curable by a permissible amendment.  
23 In addition, parties shall endeavor not to oppose motions to amend that are filed prior to  
24 the Scheduling Conference or within the time set forth in the Rule 16 Case Management  
25 Order. Motions to dismiss and motions for judgment on the pleadings that do not contain  
26 the required certification are subject to be stricken on the Court's motion.

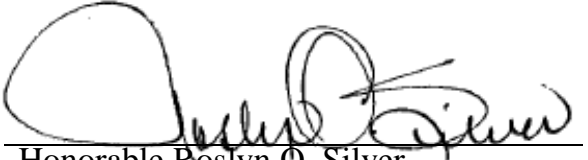
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1           **IT IS ORDERED** Plaintiff shall serve a copy of this Order upon Defendants and  
2 file notice of service.

3           Dated this 21st day of November, 2023.

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Honorable Roslyn O. Silver  
Senior United States District Judge